

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BRIAN N. DRAKE,

Petitioner,

-v-

C.A. No. 04-11426(REK)

UBS FINANCIAL SERVICES, INC.,

Respondent.

**PETITIONER'S FIRST SET OF
INTERROGATORIES TO RESPONDENT**

Petitioner Brian N. Drake ("Petitioner") requests that Respondent UBS Financial Services, Inc. ("UBS") answer the following interrogatories, within 30 days of this date, pursuant to F.R.C.P. 33.

1. Identify the person answering these interrogatories.
2. At any time, have there been any communications between UBS and/or its affiliates, predecessors (including but not limited to PaineWebber and UBS PaineWebber), employees, agents and/or attorneys, on the one hand, and Dallas W. Coffman, Linda A. Gelfand, and/or John B. Hagerty, in their individual capacities or their capacities as arbitrators in the arbitration designated NASD-DR No. 03-00933 (individually and collectively, these individuals are referred to as the "Arbitrators")?¹ If yes, (a) identify each of the dates, participants and substance of each such communication, and (b) identify all documents concerning such communications.

¹ This interrogatory excludes only communications contained in documents filed with NASD Dispute Resolution, Inc. and served upon counsel for Petitioner, or made on the record during the hearings and pre-hearing conferences, in NASD-DR No. 03-00933.

3. Were there any communications between Respondent, its attorneys or employees, on the one hand, and the Arbitrators, that took place on the dates of the arbitration hearings of NASD-DR No. 03-00933, that were not on the record? If yes, (a) identify each of the dates, participants and substance of each such communication, and (b) identify all documents concerning such communications.

4. At any time, has there been any business, employment, potential employment, financial, regulatory, personal and other relationships or dealings between UBS and/or its predecessors, affiliates, employees, agents and attorneys, on the one hand, and the Arbitrators? If yes, (a) identify the dates, participants and substance of each such relationship or dealing, and (b) identify all documents concerning such relationship or dealing.

Dated: June 28, 2004

Yours, etc.,



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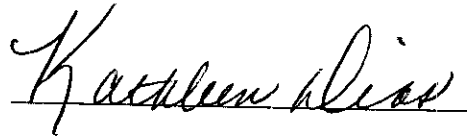
Attorneys for Petitioner

CERTIFICATION OF SERVICE

I hereby certify that on this 28th day of June, 2004, I served a true and correct copy of the foregoing, via facsimile and first class mail, postage prepaid, upon the offices of:

Kevin G. Mahoney, Esq.
Menard, Murphy & Walsh LLP
60 State Street, 34th Floor
Boston, MA 02109

William M. Ezjak, Esq.
Schuyler, Roche & Zwirner, P.C.
One Prudential Plaza
130 East Randolph Street
Chicago, IL 60601

A handwritten signature in cursive script, reading "Kathleen Dias", written over a horizontal line.